

Appl. No. 10817101  
Amdt. Date: March 1, 2005  
Reply to Office action of: June 10, 2005

**REMARKS/ARGUMENTS**

Of the original Claims 1-10, Claims 1, 3 and 5 remain in this application, and new Claims 11 and 12 have been added. Claims 2, 4 and 6-10 have been cancelled.

Claim 1 has been amended to distinguish over the Hill, Hubbard and Baker references. As shown in the instant figures and described in the instant specification, Claim 1 now recites divergent edges of a face mask from below the mouth and below the chin to positions above the ear and below the mandible with coextensive straps fastened behind the head. This arrangement is clearly distinct with respect to Hill, Fig. 10D which teaches a mask that covers the mouth region just shy of the nose. The instant apparatus teaches that such a mask can be anchored by the chin and yet lay against the sides of the face being fastened around the neck and back of the head. Hill teaches that to anchor the mask at the front of the face and yet provide adequate facial contact, it must extend above the mouth. Your applicant has discovered that such a mask can be secured below the mouth, a highly desirable enablement for convenience in use, and yet be held securely behind the head and neck and, importantly, cover an adequate portion of the face by providing divergent upper and lower edges of the mask on either side. Clearly, Hill and Hubbard et al each teaches a uniformly wide mask and Baker teaches a mask that is narrowest at the ends that are tied. In contrast, your applicant teaches away from this by teaching that the widest end of the mask is directed to the ties and the narrow end is directed to the front of the face. This results in significant advantages to the user.


Further, your applicant has discovered that a horizontally oriented hot-cold pack at a forward position and a vertical pack at a rearward position in the mask panels provides adequate thermal coverage on the face for most needs because blood flow in the face is centered in this manner. As well, such an arrangement provides the maximum economy of pack usage.

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A petition for extension of time in this response of one month and a corresponding petition fee are hercin enclosed.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By:   
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Attachments: Petition for Extension of Time; and Petition Fee